

1/16/2007 6:53:00 AM

[Email this article](#) • [Print this article](#)

Court comes to the classroom

By Jason McGrew-King, [The Lakeshore Weekly](#)

While Wayzata High School students are curious about the courts, not all their queries were just about jurisprudence.



That was apparent on Jan. 12 when the Fourth Judicial District held a hearing at Wayzata High School. The judicial district estimated about 140 students watched the proceeding, and it was videotaped for other classes that didn't attend.

"How many words per minute do you type?" one student asked Court Reporter Elizabeth Johnson. (Two hundred seventy words per minute, she said.)

"How long have you been a judge?" another asked Judge Gary Larson. (Twenty-two years, all served in the Hennepin County Courts.)

"How much can you bench press?" a third student asked Brooklyn Park Police Sgt. Mark Bruley, who was there to testify on behalf of the state. (He said he can lift 385 pounds.)

Although some of the questions offered a bit of levity, the purpose of the proceeding was a serious one: To determine whether evidence obtained through a search of the defendant's car is admissible at her upcoming trial.

The hearing marked the first time a court proceeding has taken place at Wayzata High School. In 2005, the Fourth Judicial District - which is the court system for Hennepin County - held a trial at Mound-Westonka High School. That case involved a man charged with driving under the influence.

In a statement, Nancy Peters of the judicial district's Public Affairs Office wrote, "The courts must take an active role in public education and holding court in a community setting is one way to educate the public about the third (judicial) branch of government."

Defense attorney Robert Oleisky said when he was asked about presenting a case at the high school, he thought of this one because he said it includes interesting constitutional issues. In order for it to be held at the high school, the defendant, Dana Daml, had to give her consent.

Daml is charged with fifth-degree possession of a controlled substance, a felony. The charge stems from an incident last March in which Sgt. Bruley allegedly found crack cocaine in Daml's car during a traffic stop.

Bruley testified that while patrolling at Brooklyn Boulevard and West Broadway Avenue in Brooklyn Park, he noticed the minivan driven by Daml had one of its white license plate lights dangling.

When he began following the vehicle, he said, it soon attempted to make a U-turn on West Broadway. He said the minivan was traveling too fast to complete the turn. He explained that he saw it stop and back up to avoid hitting the curb.

Bruley said when he observed what he called the erratic driving behavior during the U-turn, he stopped the vehicle. While talking to the driver, Daml, Bruley said he noticed the front seat passenger wasn't wearing a seatbelt.

During the stop, Bruley testified, he became concerned about the behavior of the male passenger. The passenger isn't being identified because he was never charged in connection with the incident.

Bruley said he noticed the passenger appeared nervous. The man kept fidgeting in his seat and scratching his legs. Bruley added that the passenger kept putting his hand between the vehicle's seats. Bruley would ask him to move his hand, but the passenger kept returning it to the gap between the seats.

According to Bruley, he grew concerned that the passenger could be concealing a weapon between the seats, so he ordered the passenger out of the car. Bruley said he discovered drug paraphernalia on the seat where the man had been sitting.

The sergeant testified that he then searched the vehicle and found a crack pipe between the seats. He also found an Altoids tin containing two rocks of crack cocaine, as well as additional pipes in the rear seat area.

The criminal complaint charging Daml also states that when she was searched while being booked at the Brooklyn Park jail, officers found a rock of crack cocaine in her jacket pocket.

During his closing argument, Oleisky contended that Bruley should have issued Daml a citation and let her go on her way. While the dangling white light was a violation of traffic laws, Oleisky said Daml had a valid driver's license, wasn't wanted on any warrants and wasn't suspected of driving under the influence.

"The passenger has some issues," Oleisky said. "Is that reason enough to take it to the next level?"

He added, "She had a valid license and wasn't under the influence. He should [have] just let her go."

Because it was a pretrial hearing rather than a trial, Judge Larson will decide whether the evidence obtained in the search of Daml's car is admissible at trial. He said he will issue his ruling in approximately three weeks.

During the question and answer session that followed the hearing, one student asked why the male passenger wasn't charged. Bruley said the passenger was found with drug paraphernalia - not drugs - and possession of the drug paraphernalia is a petty misdemeanor.

As a bell sounded signifying the end of the school day and students crowded toward the door, Assistant Hennepin County Attorney Pete Cahill offered a final lesson to the students. "Ms. Daml didn't have her car searched because of her suspicious activity. Be careful who your friends are," he said.

www.weeklynews.com